12 N. E. 610. The decision of the principal case would seem to follow from these authorities. Although a new application of the doctrine of administrative necessity, it does not seem in the light of modern tendencies to be an unwarranted one.

INTOXICATING LIQUORS — LEGISLATION — VALIDITY OF STATE LEGISLATION UNDER THE WEBB-KENYON LAW. — By statute, carriers doing business in the state were required to keep a comprehensive record of shipments of liquor. Said record was to be open to inspection by any citizen of the state. Defendant was indicted for a violation of this latter requirement. As a defense it was argued that the statute was void as attempting to regulate interstate commerce. *Held*, that the statute is valid. *Seaboard, etc. R. Co.* v. *North Carolina*, S. C. U. S., No. 18, October Term, 1917.

The Supreme Court was here called upon to determine the validity of state legislation complementary to the Webb-Kenyon Law of 1913. The theory propounded to sustain such legislative action is that the states have a police power concurrent with, but inferior to, the commerce power of Congress; that it is impliedly the intent of Congress that this police power be forbidden to impose restraint on commerce, save that where uniformity of regulation is not essential; but that the impediment to its operation may be, and in certain cases by the Webb-Kenyon Law has been, removed by congressional action. See *Clark Distilling Co.* v. *Western, etc. R. Co.*, 242 U. S. 311, 328, 329; *Adams Express Co.* v. *Kentucky*, 238 U. S. 190, 196–199. But to say that this is not a regulation of interstate commerce, but a mere extension of the police power, where it is obvious that such regulation is in fact accomplished, seems a rather arbitrary classification of governmental powers. To avoid this the following theory has been suggested: The states have concurrent power with congress over all interstate commerce, the latter having precedence. Presumptively there must be no restraint by the states on commerce requiring uniformity of regulation, but express enactment will rebut the presumption. Then the sole question is whether the state regulation is in harmony with the federal. See T. R. Powell, "The Webb-Kenyon Law," 2 So. L. Q. 112, 137. Whatever the theory adopted, the statute in question was reasonably calculated to give effect to the state's power. *State* v. *Seaboard, etc. R. Co.*, 169 N. C. 295, 84 S. E. 283. Hence the soundness of the decision cannot be seriously questioned.

LEGACIES — ADEMPTION — WHETHER ADEEMED BY SUBSEQUENT COVENANT TO PAY AN EQUAL AMOUNT. — By will, a man left $30,000 to his wife. Later, by a separation agreement, he promised to pay her $30,000 if she survived him, and covenanted to secure payment by a legacy. The man died, and the wife now claims as legatee as well as creditor. *Held*, she can recover only as creditor. *Rissmuller* v. *Balcom*, [1917] 3 WEST. WKLY. REP. 535.

It is generally stated that whether or not a legacy shall be adeemed by a gift or contract is solely a question of the intent of the testator. *Johnson* v. *McDowell*, 154 Iowa. 38, 134 N. W. 419. It has been pointed out, however, that this statement is not quite accurate, and that the testator's intent must be communicated to and understood by the legatee before the death of the testator. *In re Shields*, [1912] 1 Ch. 591. Where an indebtedness is contracted after making the will, no presumption can arise that the legacy was meant to be satisfaction of the debt. See JARMAN, WILLS, 6 ed., 1172. Nor has the fact that the creditor is the testator's wife any significance. *Fowler* v. *Fowler*, 3 P. Wms. 353. But extrinsic evidence may be introduced to show it was understood that satisfaction of the legacy was intended. *Allen* v. *Allen*, 13 S. C. 512; *Richards* v. *Humphreys*, 15 Pick (Mass.) 133. And such understanding may be sufficiently indicated by such an identity between the provision of the will and